

Limitation of Liability For Crisis Intervention Trained Staff



Louisiana statute discusses limitation of liability for staff who receive training by a certified instructor in a nonviolent crisis intervention program and perform these procedures in good faith.

- **La. R.S. 28:63 provides for such immunity:**
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- C. (1)(a) [Any person](#) who acts in good faith to assist in the apprehension or taking into protective custody, examination and confinement of a patient will not be subject to civil or criminal penalties, unless the damage or injury was caused by willful or wanton negligence or gross misconduct. [This limitation of liability shall only apply to public and private general hospital personnel who within the preceding twelve-month period have received appropriate training in nonviolent crisis intervention and such training has been documented in their personnel files.](#) The training shall be provided by an instructor who has attended a course in crisis intervention taught by a certified instructor.
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(b) [Any public or private general hospital](#) to which a patient has been transported pursuant to an order of protective custody or an emergency certificate or for the purpose of examination for an emergency commitment certificate shall not be held civilly liable or subject to criminal prosecution for damage or injury to the patient arising from the detention or treatment of the patient if the public or private general hospital personnel have used reasonable care and diligence and their best judgment in the application of their skills under similar circumstances in the same or a similar community or locality, unless the damage or injury was caused by willful or wanton negligence or gross misconduct. [This limitation of liability shall only apply to public and private general hospital personnel who within the preceding twelve-month period have received appropriate training in nonviolent crisis intervention and such training has been documented in their personnel file.](#) The training shall be provided by an instructor who has attended a course in crisis intervention taught by a certified instructor.



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